



Committee of Adjustment Meeting Minutes

April 20 2021, 4:00 PM

Location: Electronic Meeting

Accessible formats or communication supports are available upon request. Please contact the Planning Department at essexplanning@essex.ca or 519-776-7336 extension 1128

Present: Percy Dufour, Chair
Brain Gray, Co-Chair
Phil Pocock, Committee Member
Ray Beneteau, Committee Member

Also Present: Corinne Chiasson, Secretary Treasurer / Assistant Planner
Rita Jabbour, Manager Planning Services
Lori Chadwick, Director Development Services
Shelley Brown, Deputy Clerk

Regrets: Sarah Aubin, Recording Secretary / Planning Assistant

Absent: None

1. Call to Order

The Co-Chair called the meeting to order at 4:10 PM

2. Declarations of Conflict of Interest

There were not declaration of conflicts of interest noted at this time

3. Adoption of Published Agenda

3.1 Committee of Adjustment Meeting Agenda for April 20 2021

COA21-04-18

Moved by Ray Beneteau

Seconded by Phil Pocock

Item 6.7 application B-08-21 and item 6.8 application A-07-21 be heard prior to item 6.5 application B-07-21 and item 6.6 application A-06-21 Albert Jeffrey (Agent Kenneth Derbyshire) 5342 5th Concession Colchester South, Ward 3.

That the published agenda for the April 20th 2021 April Meeting be adopted as amended

Carried

4. Adoption of Minutes

4.1 Committee of Adjustment Meeting Minutes for March 16 2021

COA21-04-19

Moved by Percy Dufour

Seconded by Phil Pocock

That the minutes of the Committee of Adjustment Meeting held March 16 2021 be adopted as circulated.

5. Unfinished Business

6. Reports from Administration / Applications

6.1 Corinne Chiasson, Assistant Planner RE:

Application B-05-21 Fernando & Maria Pedro 2430 County Road 20 Colchester South, Ward 3

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The applicants are proposing to sever a \pm 1.35 acre parcel from the existing \pm 4.29 acre dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1) lot. The applicant is proposing this consent for lot creation.

Note: An application for minor variance has also been received for the subject lands (**File Number: A-04-21**). The public notice for the minor variance application has been included with this notice

6.1.1. Public Presentations (if any)

Official Plan Designation: "Rural Residential" and "Agricultural"

Zoning Category: "Residential District 1.3 (R1.3)" – Rural residential - Low density residential in agricultural areas, and "Agricultural 1.1 (A1.1)" - general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The applicants are proposing to sever a \pm 1.35 acre parcel from the existing \pm 4.29 acre parcel. The property is dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1). The applicants are proposing this consent for lot creation within the "Rural Residential" designation portion of the lot, however due to the location of an existing accessory structure, the applicants are asking for the new lot to extend into the agricultural zone in order for the structure to remain with the existing dwelling.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

Section 1.1.5.2 c) states that residential development, including lot creation, that is locally appropriate, is permitted on rural lands. Section 2.3.4 of the PPS states that lot creation in prime agricultural areas is discouraged. This property is located within both a rural residential area, and classified as a prime agricultural area. The majority of the proposed lot will however be situated within the "residential" designation, and the retained lot has not been utilized for agricultural purposes or cultivation. The location of this site is also just outside of the urban settlement area of Harrow. This area of rural residential and agricultural combined lots were identified historically as "Rural Residential" under the pre-amalgamation Harrow Official Plan. The PPS does permit lot adjustments within prime agricultural areas for legal or technical reasons. Extending the lot line into the agricultural zone can be considered as a technical reason for the lot adjustment.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The current Town of Essex Official Plan identifies this property as containing both a "Rural Residential" designation (south side) and an "Agricultural" designation (north side). The Official Plan policies encourage infilling within existing areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Rural Residential" if the proposal meets the criteria for land severance policies of the Official Plan and PPS. The majority of the new lot area will be within the identified "Rural Residential" designation. The proposal can satisfy the consent policies of the Official Plan for size required for adequate services.

c) The continuation of an orderly development pattern:

The proposed lot compares in size and use to the residential lot located directly west of the subject lands. The areas west and east of this property, contain the same dual zone combination (rural residential/agricultural) with a typical narrow frontage along County Road 20, with a significant depth distance. These properties are located in a transitional zone between the rural agricultural areas and just outside the settlement boundary of the dense residential and industrial areas of Harrow. This proposal will meet the minimum lot size provisions required for a Residential 1.3 Zone.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The proposed lot has an existing service connection to municipal water, and contains a private septic system. A septic system test will be required as condition of Consent approval. Storm water from this property is directed to the County Road 20 drain. Installation of a new access culvert for the retained lot, will be a requirement of Consent approval, and will be to the satisfaction of the County of Essex.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That an access culvert be installed to the satisfaction of the County of Essex.
- g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- h) That, prior to the granting of this consent, the corresponding variance be granted by the Committee of Adjustment to accommodate the reduction in minimum farm lot area.
- i) That all of the above conditions be fulfilled on or before April 20, 2022.

Requirement for Minor Variance: A-04-21

As a result of the Consent application, relief from the agricultural lot size provision is required. The applicants wish to sever the existing dwelling and outbuilding, from the remaining parcel of vacant land. The majority of the proposed severance lies

within the rural residential zone but encroaches into the Agricultural Zone by approximately 73.76 metres (242 feet) to accommodate the applicants request to keep the accessory building with the dwelling lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. Therefore, the severed and retained parcels will be reduced to ± 1.35 acres, and ± 2.94 acres respectively.

Proposal Conformity with Town of Essex Official Plan Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of new lots within the residential designation when in accordance with the provisions of the Provincial Policy Statement (PPS), and the severance policies of the OP. In accordance with the Town OP, the proposed severed and retained lots will have access to County Road 20, municipal services, and are of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for lot creation in a rural residential designation.
- b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the R1.3 zoning district vary greatly in lot area. The majority of the lot will be located within the Rural Residential designation and zoning district. The subject lot has not been utilized for agricultural production, and currently is planted in trees and grassed areas.
- c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The proposed new lot will compare in size to several lots located just west of the subject lands. Lot sizes in this area vary greatly, (some are long and skinny – many created some time ago) and the retained lot will require one new access bridge. No parking or traffic concerns were received from the County of Essex or Town of Essex Infrastructure Services.
- d) *The variance deals with circumstances particular to the site and development:* The variance is necessary to accommodate the encroachment of the new lot into the Agricultural Zone, which will therefore reduce the agricultural portion's lot size. The dwelling, accessory structure and accompanying infrastructure are all existing on the severed lot. A new access culvert will be required for the retained parcel as a condition of the severance application. The County of Essex has confirmed that a new culvert would be permitted for the retained lot, subject to the necessary approvals and engineers report.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections, however noted that a permit may be required for any works within the vicinity of the regulated Bassett Drain.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

Comments were received from the County of Essex stating: The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 20 as this property fronts a Municipal Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. They further requested a copy of the Decision and revised survey plan once registered to update their mapping records.

No comments were received from circulated internal agencies as of April 16, 2021.

Actions: To be determined by the Committee.

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager

The following is provided as a result of our review of Application for Consent B-05-21 and Minor Variance A-04-21. The applicants are proposing to sever a + 1.35 acre parcel from the existing + 4.29 acre dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1) lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result the severance application, the severed and retained parcels will be reduced to +1.35 acres, and + 2.94 acres respectively.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Bassett Drain. The property owner will be required to obtain a Permit

and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance and Consent.

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

Ray Beneteau, stated that he understands that creating a new lot in agricultural areas are not permitted.

Corinne Chiasson, advised that the subject property is dual zoned and therefor permitted to be severed for lot creation.

He asked if there was access to the rear of the property to farm the agricultural area.

She stated that the rear of the property abuts onto an industrial parcel and therefor has no access to the agricultural area.

Rita Jabbour advised that the Provincial Policy Statement states that severances for lot creation are not permitted in prime agricultural lands. She continued to state that the subject parcel is not within the prime agricultural lands area and therefor is permitted under the Provincial Policy Statement and the Town of Essex Official Plan. She stated that the property is unique in nature with the dual zoning.

Phil Pocock asked if the proposed dwelling on the severed parcel will be on the agricultural property or the residential.

Eugenia Prado, applicant, advised that the dwelling to be erected will be in front of the driveway area on the severed lot.

Percy Dufour, asked if farm animals are permitted on the subject parcel as well as the agricultural accessory structures on the subject property. He stated his concern is that the proposed buyers can purchase the property and have farm animals and accessory structures placed on the subject property without proper setbacks to meet the needs of the residential zoning in the front of the subject property.

Rita advised that due to the zoning farm animals and accessory structures are permitted and are required to meet the setback requirements.

COA21-04-20

Moved by Percy Dufour

Seconded by Phil Pocock

That application B-04-21 be **granted** severe a \pm 1.35 acre parcel from the existing \pm 4.29 acre parcel. The purposes is to create one new lot within the rural residential designation.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
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- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
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- g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- h) That, prior to the granting of this consent, the corresponding variance be granted by the Committee of Adjustment to accommodate the reduction in minimum farm lot area.
- i) That all of the above conditions be fulfilled on or before April 20, 2022.

6.2 Corinne Chiasson, Assistant Planner RE:

Application A-04-21 Fernando & Maria Pedro 2430 County Road 20 Colchester South, Ward 3

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The subject property contains two zoning categories: Residential R1.3 located on the southern portion, and Agricultural District 1.1 on the northern portion. The applicants wish to sever the existing dwelling and outbuildings, from the remaining parcel of land (vacant). In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as

existing. As a result of the severance application, the severed and retained parcels will be reduced to ± 1.35 acres, and ± 2.94 acres respectively

Note: An application for consent has also been received for the subject lands (**File Number: B-05-21**). The public notice for the consent application has been included with this notice.

6.2.1. Public Presentations (if any)

Official Plan Designation: "Rural Residential" and "Agricultural"

Zoning Category: "Residential District 1.3 (R1.3)" – Rural residential - Low density residential in agricultural areas, and "Agricultural 1.1 (A1.1)" - general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 2430 County Road 20 in the former township of Colchester South. The applicants are proposing to sever a ± 1.35 acre parcel from the existing ± 4.29 acre parcel. The property is dual zoned Residential 1.3 (R1.1) and Agricultural 1.1 (A1.1). The applicants are proposing this consent for lot creation within the "Rural Residential" designation portion of the lot, however due to the location of an existing accessory structure, the applicants are asking for the new lot to extend into the agricultural zone in order for the structure to remain with the existing dwelling.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines:*
Section 1.1.5.2 c) states that residential development, including lot creation, that is locally appropriate, is permitted on rural lands. Section 2.3.4 of the PPS states that lot creation in prime agricultural areas is discouraged. This property is located within both a rural residential area, and classified as a prime agricultural area. The majority of the proposed lot will however be situated within the "residential" designation, and the retained lot has not been utilized for agricultural purposes or cultivation. The location of this site is also just outside of the urban settlement area of Harrow. This area of rural residential and agricultural combined lots were identified historically as "Rural Residential" under the pre-amalgamation Harrow Official Plan. The PPS does permit lot adjustments within prime agricultural areas for legal or technical reasons. Extending the lot line into the agricultural zone can be considered as a technical reason for the lot adjustment.
- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

The current Town of Essex Official Plan identifies this property as containing both a "Rural Residential" designation (south side) and an "Agricultural" designation (north side). The Official Plan policies encourage infilling within existing areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Rural Residential" if the proposal meets the criteria for land severance policies of the Official Plan and PPS. The majority of the new lot area will be within the identified "Rural Residential" designation. The proposal can satisfy the consent policies of the Official Plan for size required for adequate services.

g) *The continuation of an orderly development pattern:*

The proposed lot compares in size and use to the residential lot located directly west of the subject lands. The areas west and east of this property, contain the same dual zone combination (rural residential/agricultural) with a typical narrow frontage along County Road 20, with a significant depth distance. These properties are located in a transitional zone between the rural agricultural areas and just outside the settlement boundary of the dense residential and industrial areas of Harrow. This proposal will meet the minimum lot size provisions required for a Residential 1.3 Zone.

h) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

The proposed lot has an existing service connection to municipal water, and contains a private septic system. A septic system test will be required as condition of Consent approval. Storm water from this property is directed to the County Road 20 drain. Installation of a new access culvert for the retained lot, will be a requirement of Consent approval, and will be to the satisfaction of the County of Essex.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

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- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been

paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;

f) That an access culvert be installed to the satisfaction of the County of Essex.

g) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

h) That, prior to the granting of this consent, the corresponding variance be granted by the Committee of Adjustment to accommodate the reduction in minimum farm lot area.

i) That all of the above conditions be fulfilled on or before April 20, 2022.

Requirement for Minor Variance: A-04-21

As a result of the Consent application, relief from the agricultural lot size provision is required. The applicants wish to sever the existing dwelling and outbuilding, from the remaining parcel of vacant land. The majority of the proposed severance lies within the rural residential zone but encroaches into the Agricultural Zone by approximately 73.76 metres (242 feet) to accommodate the applicants request to keep the accessory building with the dwelling lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. Therefore, the severed and retained parcels will be reduced to ± 1.35 acres, and ± 2.94 acres respectively.

Proposal Conformity with Town of Essex Official Plan Policies

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a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of new lots within the residential designation when in accordance with the provisions of the Provincial Policy Statement (PPS), and the severance policies of the OP. In accordance with the Town OP, the proposed severed and retained lots will have access to County Road 20, municipal services, and are of a size sufficient to accommodate septic services acceptable to the

Town. This application meets the criteria for lot creation in a rural residential designation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the R1.3 zoning district vary greatly in lot area. The majority of the lot will be located within the Rural Residential designation and zoning district. The subject lot has not been utilized for agricultural production, and currently is planted in trees and grassed areas.

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The proposed new lot will compare in size to several lots located just west of the subject lands. Lot sizes in this area vary greatly, (some are long and skinny – many created some time ago) and the retained lot will require one new access bridge. No parking or traffic concerns were received from the County of Essex or Town of Essex Infrastructure Services.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary to accommodate the encroachment of the new lot into the Agricultural Zone, which will therefore reduce the agricultural portion's lot size. The dwelling, accessory structure and accompanying infrastructure are all existing on the severed lot. A new access culvert will be required for the retained parcel as a condition of the severance application. The County of Essex has confirmed that a new culvert would be permitted for the retained lot, subject to the necessary approvals and engineers report.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections, however noted that a permit may be required for any works within the vicinity of the regulated Bassett Drain.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

Comments were received from the County of Essex stating: The minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road 20 as this property fronts a Municipal Drain. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. They further requested a copy of the Decision and revised survey plan once registered to update their mapping records.

No comments were received from circulated internal agencies as of April 16, 2021.

Actions: To be determined by the Committee.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,
Resource Planner**

The following is provided as a result of our review of Application for Consent B-05-21 and Minor Variance A-04-21. The applicants are proposing to sever a + 1.35 acre parcel from the existing + 4.29 acre dual zoned Residential1.3 (R1.1) and Agricultural 1.1 (A1.1) lot. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result the severance application, the severed and retained parcels will be reduced to +1.35 acres, and + 2.94 acres respectively.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Bassett Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL
HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the

Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario Endangered Species Act. Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the Endangered Species Act are addressed. All inquiries regarding the Endangered Species Act should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the consent or minor variance

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-21

Moved by Percy Dufour

Seconded by Phil Pocock

That application A-04-21 be **granted** to accommodate a minimum lot area of 5.83 acres for the retained parcel

Carried

Reason for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

a) the general intent of this Plan and the Zoning By-law are maintained;

- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

6.3 Corinne Chiasson, Assistant Planner RE:

Application B-06-21 Frank & Carol Miller 1277 Gore Road Colchester South, Ward 3

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. The applicants are proposing to sever a ± 1 acre parcel from the existing ± 81.82 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent due to the existing dwelling being surplus to the needs of the farming operation.

Note: An application for minor variance has also been received for the subject lands (**File Number: A-05-21**). The public notice for the minor variance application has been included with this notice

6.3.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South (Ward 3). The applicants are proposing to sever a 1.0 acre parcel from the existing ± 81.82 acre farm lot. The retained agricultural lot will be reduced to ± 80.82 ha. The applicant wishes to sever this lot as it is considered surplus to the needs of the farming operation.

The severed parcel contains an existing single detached dwelling, and one farm outbuilding. Access to the severed lot and retained lots will continue to be by way of Gore Road.

Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The applicant owns other

agricultural operations, therefore this application for consent is consistent with the PPS policies for farm consolidation and severance of a surplus dwelling.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *The size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:*

the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structure will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* the surplus dwelling lot has access to municipal water and road side swales. A condition of this consent will be that the owner confirms with the Building Department that the septic system satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. No livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on Gore Road, a public road which is owned and assumed by the Town of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.
- g) That all of the above conditions be fulfilled on or before April 20, 2022.

Requirement for Minor Variance A-05-21

An application for minor variance has also been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing and the minimum width required is 200 feet. As a result of a proposed severance for surplus dwelling, the lot area for the severed parcel is proposed to be 1 acre, and the retained lot will be \pm 80.82 acres. The proposed width of the surplus lot will be 165 feet, therefore a variance of 35 feet is required.

Proposal Conformity with Provincial and Town of Essex Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for being considered surplus to the needs of the farming operation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

No comments were received from circulated internal agencies as of April 16, 2021.

Actions: To be determined by the Committee

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Planner

The following is provided as a result of our review of Application for Consent B-06-21 and Minor Variance A-05-21. The applicant is proposing to sever a 1 acre parcel from the existing 81.82 acre Agricultural 1.1 (A1.1) farm lot and this severance will require a Minor Variance for the retained lot size as it would be under 100 acres.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required

from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states –

“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel.

Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance and Consent.

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-22

Moved by Ray Beneteau

Seconded by Percy Dufour

That application B-06-21 be **granted** sever a \pm 1.0 acre parcel from the existing \pm 81.82 acre farm lot. The residence is deemed surplus to the needs of the farming operation and that a condition be added to Schedule A that states that the most southern barn on the severed parcel will be removed by the condition fulfilment date.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

- f) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.
- g) That the most southern barn on the severed parcel will be removed by the condition fulfilment date.
- h) That all of the above conditions be fulfilled on or before April 20, 2022.

6.4 Corinne Chiasson, Assistant Planner RE:

Application A-05-21 Frank & Carol Miller 1277 Gore Road Colchester South, Ward 3

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance for surplus dwelling, the lot area for the severed parcel is proposed to be ± 1 acres, and the retained lot will be ± 80.82 acres.

Note: An application for consent has also been received for the subject lands (**File Number: B-06-21**). The public notice for the consent application has been included with this notice.

6.4.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) – general agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South (Ward 3). The applicants are proposing to sever a 1.0 acre parcel from the existing ± 81.82 acre farm lot. The retained agricultural lot will be reduced to ± 80.82 ha. The applicant wishes to sever this lot as it is considered surplus to the needs of the farming operation.

The severed parcel contains an existing single detached dwelling, and one farm outbuilding. Access to the severed lot and retained lots will continue to be by way of Gore Road.

Proposal Conformity with Provincial and Town of Essex Policies

The Provincial Policy Statement (PPS) defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of

farm consolidation. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one (1) farm operation. The applicant owns other agricultural operations, therefore this application for consent is consistent with the PPS policies for farm consolidation and severance of a surplus dwelling.

In accordance with Town of Essex Official Plan policies relating to consents in areas designated "Agricultural", one (1) lot creating consent will be permitted for a surplus dwelling on the condition that:

a) *No new dwelling will be permitted on the retained farm parcel:* A restricted development layer will be applied to the property upon provisional consent approval on the Town's Geographic Information System (GIS);

b) *The size of the surplus dwelling lot should not be greater than one (1) hectare, however, the choice of consolidating outbuildings with the surplus dwelling will also be considered when the size and boundaries of the surplus dwelling lot are determined and approved by consent:*

the size of the proposed surplus dwelling lot will not exceed one (1) hectare and the accessory structure will be kept with the main use dwelling;

c) *the lot to be created has provision for sewage disposal, a potable water supply and stormwater management systems satisfactory to the Town and other statutory approval authority having jurisdiction:* the surplus dwelling lot has access to municipal water and road side swales. A condition of this consent will be that the owner confirms with the Building Department that the septic system satisfies Part 8 of the Ontario Building Code (OBC);

d) *the severed dwelling lot will satisfy Minimum Distance Separation 1 (MDS 1) provisions of the Official Plan:* the lot to be severed contains an existing dwelling. No additional dwellings will be permitted on this lot. No livestock facilities will be impacted by the proposed development;

e) *the severed dwelling lot has frontage on a public road:* the severed dwelling lot has frontage on Gore Road, a public road which is owned and assumed by the Town of Essex.

f) *the surplus dwelling is in habitable condition, as determined by the Town or certified by a qualified building inspector:* no objections to the application were received from the Building Department

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan

prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

f) That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel.

g) That all of the above conditions be fulfilled on or before April 20, 2022.

Requirement for Minor Variance A-05-21

An application for minor variance has also been received by the Town of Essex Committee of Adjustment for the lands located at 1277 Gore Road in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing and the minimum width required is 200 feet. As a result of a proposed severance for surplus dwelling, the lot area for the severed parcel is proposed to be 1 acre, and the retained lot will be \pm 80.82 acres. The proposed width of the surplus lot will be 165 feet, therefore a variance of 35 feet is required.

Proposal Conformity with Provincial and Town of Essex Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:* The Town of Essex Official Plan (OP) permits the creation of surplus dwelling lots when in accordance with the provisions of the Provincial Policy Statement (PPS). In accordance with the Town OP, the proposed surplus dwelling lot is of a size sufficient to accommodate septic services acceptable to the Town. This application meets the criteria for being considered surplus to the needs of the farming operation.

b) *The variance(s) is minor and desirable for the appropriate use of the land:* Lots in the A1.1 zoning district vary greatly in lot area. No new development is proposed on the severed or retained parcel;

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:* The dwelling and accompanying infrastructure are existing and there will be a prohibition against the construction of any new dwelling on the retained agricultural land.

d) *The variance deals with circumstances particular to the site and development:* The variance is necessary in order to accommodate a surplus dwelling application.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

Comments were received from Mr. Kevin Carter, Manager of Building Services/Chief Building Official, he stated that approval be conditional on the septic system complying with Part 8 of the Ontario Building code.

No comments were received from circulated internal agencies as of April 16, 2021.

Actions: To be determined by the Committee

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Planner

The following is provided as a result of our review of Application for Consent B-06-21 and Minor Variance A-05-21. The applicant is proposing to sever a 1 acre parcel from the existing 81.82 acre Agricultural 1.1 (A1.1) farm lot and this severance will require a Minor Variance for the retained lot size as it would be under 100 acres.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required

from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in significant woodland...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states –

“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel.

Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Minor Variance and Consent.

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-23

Moved by Ray Beneteau

Seconded by Phil Pocock

That application A-06-21 be **granted** To accommodate a minimum lot area of 5.83 acres for the retained parcel

Carried

Reason for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

6.5 Corinne Chiasson, Assistant Planner RE:

Application B-08-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5th

Concession Colchester South, Ward 3

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession Road in the former township of Colchester South. The applicants are proposing to sever a ± 0.79 acre parcel from the existing ± 5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

Note: An application for minor variance has also been received for the subject lands (**File Number: A-07-21**). The public notice for the minor variance application has been included with this notice

6.7.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

Zoning Category: "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities"

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession Road in the former township of Colchester South. The applicants are proposing to sever a ± 0.79 acre parcel from the existing ± 5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5383 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.79 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

c) The continuation of an orderly development pattern:

The lot addition is not irregular in shape, and will not take agricultural land out of production as it currently contains a grassed meadow area. The retained parcel has not been utilized for agricultural cultivation in a long length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5th Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

REQUIREMENT FOR MINOR VARIANCE: A-07-21

As a result of the proposed severance, the lot area for the severed parcel is proposed to be ± 0.79 acres, and the retained lot will be ± 5.04 acres. The severed parcel is proposed to be merged with the property to the east known as 5383 County Road 11, owned by Kenneth Derbyshire.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will remain agricultural. The severed parcel will also be utilized for agricultural (orchard).

- b) The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance.

- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:*

Agricultural lot sizes vary greatly in the agricultural district. No new lot is being created therefore there are no impacts to parking patterns or traffic.

- d) The variance deals with circumstances particular to the site and development:*

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2021. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Kenneth Derbyshire, 5383 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Planner

A-07-21/B-08-21: In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be + 0.79acres,

and the retained lot will be + 5.04 acres. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-24

Moved by Ray Beneteau

Seconded by Phil Pocock

That application B-08-21 be **granted** sever a \pm 0.79 acre parcel from the existing \pm 5.83 acre property for the purposes of a lot addition in favour of the property identified as 5383 County Road 11.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Kenneth Derbyshire, 5383 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

6.6 Corinne Chiasson, Assistant Planner RE:

Application A-07-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5th

Concession Colchester South, Ward 3

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be ± 0.79 acres, and the retained lot will be ± 5.04 acres. The severed parcel is proposed to be merged with the property to the east municipally known as 5383 County Road 11.

Note: An application for consent has also been received for the subject lands (**File Number: B-08-21**). The public notice for the consent application has been included with this notice.

6.8.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

Zoning Category: "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities"

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession Road in the former township of Colchester South. The applicants are proposing to sever a ± 0.79 acre parcel from the existing ± 5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5383 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance,

the lot area for the retained farm parcel will be reduced by 0.79 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

- e) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

- f) The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it currently contains a grassed meadow area. The retained parcel has not been utilized for agricultural cultivation is a long length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5th Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

- g) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

REQUIREMENT FOR MINOR VARIANCE: A-07-21

As a result of the proposed severance, the lot area for the severed parcel is proposed to be ± 0.79 acres, and the retained lot will be ± 5.04 acres. The severed parcel is proposed to be merged with the property to the east known as 5383 County Road 11, owned by Kenneth Derbyshire.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will remain agricultural. The severed parcel will also be utilized for agricultural (orchard).

f) The variance(s) is minor and desirable for the appropriate use of the land:

No agricultural land will be taken out of production as a result of this severance.

g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district. No new lot is being created therefore there are no impacts to parking patterns or traffic.

h) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2021. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Kenneth Derbyshire, 5383 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of

the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before April 20, 2022.

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager

A-07-21/B-08-21: In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be + 0.79 acres, and the retained lot will be + 5.04 acres. The severed parcel is proposed to be merged with the property to the east known municipally as 5383 County Road 11.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-25

Moved Ray Beneteau

Seconded by Phil Pocock

That application A-07-21 be **granted** accommodate a minimum lot are of 5.04 acres for the retained parcel.

Carried

Reason for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

6.7 Corinne Chiasson, Assistant Planner RE:

Application B-07-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5th

Concession Colchester South, Ward 3

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession Road in the former township of Colchester South. The applicants are proposing to sever a \pm 0.34 acre parcel from the existing \pm 5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this

consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5375 County Road 11.

Note: An application for minor variance has also been received for the subject lands (**File Number: A-06-21**). The public notice for the minor variance application has been included with this notice

6.5.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

Zoning Category: "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession Road in the former township of Colchester South. The applicants are proposing to sever a ± 0.34 acre parcel from the existing ± 5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5375 County Road 11, owned by Darrin Miller.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

a) *the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5375 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.34 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply

with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

c) *The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5th Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

REQUIREMENT FOR MINOR VARIANCE: A-06-21

As a result of the proposed severance, the lot area for the severed parcel is proposed to be ± 0.34 acres, and the retained lot will be ± 5.49 acres. The severed parcel is proposed to be merged with the property to the east known as 5375 County Road 11.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

a) *The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel will be used for agricultural uses (hobby farm).

b) *The variance(s) is minor and desirable for the appropriate use of the land:*

No agricultural land will be taken out of production as a result of this severance. (Property has not been cultivated in a long period of time)

c) *The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:*

Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

d) *The variance deals with circumstances particular to the site and development:*

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Darrin Miller, 5375 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,
Resource Manager**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL
HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-26

Moved by Percy Dufour

Seconded by Ray Beneteau

That application B-07-21 be **granted** a \pm 0.34 acre parcel from the existing \pm 5.83 acre property for the purpose of a lot addition in favour of the property identified as 5375 County Road 11.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents and subsection 6.5 Consents in Areas Designated "Agricultural".

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands owned by Darrin Miller, 5375 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

6.8 Corinne Chiasson, Assistant Planner RE:

Application A-06-21 Albert Jeffery (Agent Kenneth Derbyshire) 5342 5th

Concession Colchester South, Ward 3

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession in the former township of Colchester South. In accordance with Zoning By-law 1037, the minimum lot area within the Agricultural District 1.1 (A1.1) is 40 ha (100 acres) or as existing. As a result of a proposed severance, the lot area for the severed parcel is proposed to be \pm 0.34 acres, and the retained lot will be \pm 5.49 acres. The severed parcel is proposed to be merged with the property to the east municipally known as 5375 County Road 11.

Note: An application for consent has also been received for the subject lands (**File Number: B-07-21**). The public notice for the consent application has been included with this notice.

6.6.1. Public Presentations (if any)

Official Plan Designation: "Agricultural"

Zoning Category: "Agricultural 1.1 (A1.1) – General agriculture and farm production support activities"

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 5342 5th Concession Road in the former township of Colchester South. The applicants are proposing to sever a \pm 0.34 acre parcel from the existing \pm 5.83 acre Agricultural 1.1 (A1.1) farm lot. The applicant is proposing this consent for lot addition purposes. The severed parcel is proposed to be merged with the property to the east known municipally as 5375 County Road 11, owned by Darrin Miller.

Proposal Conformity with the PPS and Town of Essex Official Plan Policies

In accordance with section 6.4 of the Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- e) *the proposal's consistency with Provincial legislation, policies and guidelines:*

The Provincial Policy Statement (PPS) states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons include minor boundary adjustments which do not result in the creation of a new lot. As a condition of this consent, the applicants will be responsible for submitting evidence that indicates the severed parcel will be consolidated with the property at 5375 County Road 11.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced by 0.34 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment and the consent is granted in accordance with section 50(3) of the Planning Act. The applicant has submitted a Minor Variance application to accommodate the reduction in lot area for the retained parcel.

- g) The continuation of an orderly development pattern:*

The lot addition is not irregular in shape, and will not take agricultural land out of production as it has remained a grassed yard for a length of time. Access to the retained parcel will continue to be by way of an existing access bridge on 5th Concession Road. The proposed severance will have no adverse impact on access to the retained lot.

- h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

Water supply, and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

REQUIREMENT FOR MINOR VARIANCE: A-06-21

As a result of the proposed severance, the lot area for the severed parcel is proposed to be ± 0.34 acres, and the retained lot will be ± 5.49 acres. The severed parcel is proposed to be merged with the property to the east known as 5375 County Road 11.

Proposal Conformity with the Town of Essex Official Plan Policies

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:*

The main use of the retained farm parcel will not change and remain agricultural. The lot addition parcel will be used for agricultural uses (hobby farm).

f) The variance(s) is minor and desirable for the appropriate use of the land:

No agricultural land will be taken out of production as a result of this severance.

(Property has not been cultivated in a long period of time)

g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district. The subject lands are not utilized for crop cultivation. No new lots are proposed, resulting in no affects to traffic or parking patterns.

h) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public and Agency Comments

As a result of the giving of public notice, no written correspondences have been received from members of the public as of April 16, 2020.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies or internal departments.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

- e) That the severed parcel be consolidated with the lands owned by Darrin Miller, 5375 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

**Essex Region Conservation Authority Comments from Vitra Vimalananthan,
Resource Manager**

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN
NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE
CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

**PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL
HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent and Minor Variance

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-27

Moved Ray Beneteau

Seconded by Phil Pocock

That application A-06-21 be **granted** accommodate a minimum lot area of 5.83 acres for the retained parcel.

Carried

Reason for Decision: The Application **is** in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

6.9 Corinne Chiasson, Assistant Planner RE:

Application B-09-21 Gregory & Lavena Horoky (Agent Peggy Golden) Colchester South, Ward 3

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 157 Crystal Lane in the former township of Colchester South. The applicants are proposing to sever a \pm 525.64 square metre parcel from the existing \pm 1051.29 square metre Residential 1.1 (R1.1) lot. The applicant is proposing this consent for lot creation

6.9.1. Public Presentations (if any)

Official Plan Designation: "Lakeshore Residential"

Zoning Category: Residential District 1.1 (R1.1) –Low density housing on urban lots

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 157 Crystal Lane in the former township of Colchester South. The applicants are proposing to sever a \pm 525.64 square metre parcel from the existing \pm 1051.29 square metre Residential 1.1 (R1.1) lot. The applicant is proposing this consent for lot creation.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

a) the proposal's consistency with Provincial legislation, policies and guidelines:

This proposal does not conflict with the policies of the PPS.

b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

The Town of Essex Official Plan encourages infilling within the existing areas designated "Residential". Single detached dwellings are permitted uses in areas designated "Lakeshore Residential".

c) The continuation of an orderly development pattern:

Lots located along Crystal Beach Road are a mixture of smaller cottage sized lots on the opposite side of the street, and similar size lots north and south of the existing lot. The new lot will accommodate a driveway and will not affect parking or traffic patterns.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The proposed lot has access to municipal water, storm and sanitary sewers.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated agencies or internal departments as of April 16, 2021.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before April 20, 2022.

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager

The following is provided as a result of our review of Application for Consent B-09-21. The applicants are proposing to sever a + 525.64 square metre parcel from the existing + 1051.29 square metre Residential 1.1 (R1.1) lot. The applicant is proposing this consent for lot creation.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-28

Moved by Ray Beneteau

Seconded by Phil Pocock

That application B-09-21 be **granted** to sever a \pm 525.64 square metre parcel from the existing \pm 1051.29 square metre lot for the purposes of creating one new residential lot.

Carried

Reason for Decision: The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the applicant pay the applicable parkland dedication fee in the amount of \$1250.00 in accordance with Town of Essex Policy No. 899-11-324 to be charged against the lot created by consent and that the payment be made prior to the stamping of the deeds and/or issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

6.10 Corinne Chiasson, Assistant Planner RE:

Application B-10-21 Julia Gomes (Agent Arthur Gomes) 648 Queen Street Harrow Centre, Ward 4

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a ± 0.5 acre parcel from the existing ± 25.31 acre "Holding Residential 2.1 (HR2.1)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street

6.10.1. Public Presentations (if any)

Official Plan Designation: "Residential and Highway Commercial"

Zoning Category: "Residential (HR2.2) and Commercial (C1.3)" – transitional commercial/residential uses

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a ± 0.5 acre parcel from the existing ± 25.31 acre "Holding Residential 2.2 (HR2.2)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street.

The subject property is dual zoned whereas the western portion fronting Queen Street is under Commercial (C1.3) and the eastern portion is under Holding Residential 2.2. The Holding Zone Symbol in place on the vacant portion of the subject lands is to ensure that any future development proceeds through specific preconditions of the development process. Prior to any development proceeding, an application for Removal of holding provisions will be required.

Proposal Conformity with Provincial and Town of Essex Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) *the proposal's consistency with Provincial legislation, policies and guidelines:* This application is consistent with the policies of the Provincial Policy Statement.
- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:* The lot addition will be merged with the property identified as 600 Queen Street, owned by Mr. Arthur Gomes. Mr. Gomes is requesting this lot addition in order to construct an accessory structure on the property for storage. The construction of a storage building is to resolve a property standards issue. As this application is for the purpose of a lot addition only, no traffic patterns or parking issues will result.
- c) *The continuation of an orderly development pattern:*
The proposed lot addition is not of a shape that would hinder adjoining land uses. The size of the extended lot is comparable in character to neighbouring lots.
- d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:* the severed portion will be added to a lot that has full municipal services.

Agency and Public Comments

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal agencies as of April 16, 2021.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the severed portion.
- g) That the severed parcel be consolidated with the lands identified municipally as 600 Queen Street. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before April 20, 2022.

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager

The following is provided as a result of our review of Application for Consent B-10-21 & B-11-21.

B-10-21: The applicants are proposing to sever a + 0.5acre parcel from the existing +25.31 acre

"Holding Residential 2.1 (HR2.1)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street.

B-11-21: The applicants are proposing to sever a + 23.43 acre parcel from the existing + 25.31 acre dual zoned "Holding Residential 2.1 (HR2.1)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have

no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-29

Moved by Percy Dufour

Seconded by Ray Beneteau

That application B-10-21 be **granted** to sever a \pm 0.5 acre parcel from the existing \pm 25.31 acre parcel for the purposes of a lot addition in favour of the property identified as 600 Queen Street and that the subject parcel be brought up to property standards and approved by the By-law enforcement officer prior to the condition fulfillment.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the severed portion.
- g) That the severed parcel be consolidated with the lands identified municipally as 600 Queen Street. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the

transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before April 20, 2022.

6.11 Corinne Chiasson, Assistant Planner RE:

Application B-11-21 Julia Gomes (Agent Arthur Gomes) 648 Queen Street Harrow Centre, Ward 4

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a ± 23.43 acre parcel from the existing ± 25.31 acre dual zoned "Holding Residential 2.1 (HR2.1)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

6.11.1.Public Presentations (if any)

Official Plan Designation: "Residential and Highway Commercial"

Zoning Category: "Residential (HR2.2) and Commercial (C1.3)" - transitional commercial/residential uses

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 648 Queen Street in Harrow Centre. The applicants are proposing to sever a ± 23.43 acre parcel from the existing ± 25.31 acre dual zoned "Holding Residential 2.2 (HR2.2)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

The subject property is dual zoned whereas the western portion fronting Queen Street is under Commercial (C1.3) and the eastern portion is under Holding Residential 2.2. The Holding Zone Symbol in place on the vacant portion of the subject lands is to ensure that any future development proceeds through specific preconditions of the development process. Prior to any development proceeding, an application for Removal of holding provisions will be required.

The purpose of the severance is to separate the existing dwelling and outbuildings from the vacant land that is designated for future residential development. This property is located in a transitional zone that contains both a Commercial C3.1 Zone and the Holding Residential Zone. The existing dwelling and outbuildings on the retained parcel are a lawfully existing use in the C3.1 zone.

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- a) *the proposal's consistency with Provincial legislation, policies and guidelines:*

This proposal does not conflict with the severance policies of the PPS.

- b) *The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:*

The Town of Essex Official Plan encourages infilling within the existing areas designated "Residential". This property is located within the "settlement area" of Harrow. No development is proposed at this time on the severed or retained parcels. A "Removal of Holding" zone symbol is currently in place over the subject parcel. Prior to any future development proceeding on the severed lands a Removal of Holding" application will be required, along with any applicable Planning Act approvals. This application satisfies the Official Plan policies for severances in a residential designation.

- c) *The continuation of an orderly development pattern:*

The owners wish to sever the vacant land from the main dwelling and outbuildings located at 648 Queen Street. The extents of the retained lot will be similar in character to the deep lots located on the opposite side of the street and north and south of the subject lot.

- d) *The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:*

The proposed lot has access to municipal water, storm and sanitary sewers.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of April 16, 2021.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No comments were received from circulated internal agencies as of April 16, 2021.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the retained portion.
- g) That all of the above conditions be fulfilled on or before April 20, 2022.

Essex Region Conservation Authority Comments from Vitra Vimalananthan, Resource Manager

The following is provided as a result of our review of Application for Consent B-10-21 & B-11-21.

B-10-21: The applicants are proposing to sever a + 0.5acre parcel from the existing +25.31 acre

"Holding Residential 2.1 (HR2.1)" lot. The severed parcel is proposed to be merged with the property to the west known municipally as 600 Queen Street.

B-11-21: The applicants are proposing to sever a + 23.43 acre parcel from the existing + 25.31 acre dual zoned "Holding Residential 2.1 (HR2.1)" and "Commercial District 3.1 (C3.1)" lot. The proposed consent is for the purposes of lot creation.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the Consent

Discussion:

Corinne Chiasson, Secretary Treasurer explains the application

COA21-04-30

Moved by Ray Beneteau

Seconded by Percy Dufour

That application B-11-21 be **granted** to sever a \pm 23.45 acre parcel from the existing \pm 25.31 acre parcel for the purposes of creating one new lot and that the subject parcel be brought up to property standards and approved by the By-law enforcement officer prior to the condition fulfillment.

Carried

Reason for Decision: The Application **is** in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) Property standards condition to be rectified to the satisfaction of the Building and By-law Enforcement Division.
- f) That the holding zone provision be removed on the retained portion.
- g) That all of the above conditions be fulfilled on or before April 20, 2022

7. Correspondence

8. New Business

8.1 OACA Conference Attendance

Corinne advises the members that the OACA Conference will be held electronically June 8th and is requesting if there is any interest, members will be able to attend via zoom.

Rita states that there are topics that pertain to the Town of Essex and encourages two (2) members to attend.

Phil Pocock and Brian Gray advise that they will attend the OACA training via zoom on June 8th 2021

8.2 Second Dwelling Units

Rita advises that there was public meeting on April 6th with regards to Second Dwelling Units within an accessory structure in Residential and Agricultural districts. She stated that a survey was well received and there was interest from the residence in implementing these policies.

April 19th Council approved an amendment to By-law 1037 with regards to Second Dwelling Units. She advised that administration is waiting on County and approval from Council on regulations so that an appropriate By-law can be brought forward.

She stated that she will update the members at the next Committee meeting.

8.3 Committee of Adjustment Member

Rita advised that the request for application to be a member on the Committee of Adjustment closed April 13th. She stated that the striking committee will be meeting on April 26th to discuss the applications received and to make their selection on the committee member. The chosen applicant will be brought forward to Council for approval at the May 3rd Council meeting. She stated that the committee will be aware of the new member prior to the May 18th committee meeting.

9. Notices of Motion

9.1 Cost Sharing on Bridge Installation Review

COA21-04-31

Moved by Percy Dufour

Seconded by Ray Beneteau

That administration contacts a third-party engineer to determine what the cost sharing should be for the farmer who is utilizing the access bridge with heavy equipment and the cost for the resident who is utilizing the access bridge with a personal vehicle in an agricultural district and to provide an update at the May 18th meeting.

Carried

10. Adjournment

COA21-04-32

Moved by Ray Beneteau

Seconded by Phil Pocock

That the meeting be adjourned at 5:39 PM.

Carried

Secretary Treasurer

Co Chair